

SCANNED ON 5/22/2006

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF THE NEW YORK

-----X
FULTON LANDING, INC. and
TIMOTHY CROWLEY,

Plaintiffs,

-against-

LAWRENCE SALANDEP and JULIE SALANDER,

Defendants.

Index No. 06602179
SUMMONS

Plaintiff designates
New York County
as place of venue

New York County is
defendants' address

Plaintiff's address:
5 Washington St.
Suite 810
Brooklyn, NY 11201

FILED
JUN 21 2006
NEW YORK
COUNTY CLERK'S OFFICE

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
June 19, 2006

KERA & GRAUBARD
Attorneys for Defendants

By: Martin S. Kera

MARTIN S. KERA
240 Madison Avenue
New York, NY 10016
(212) 681-1600

Defendants' Address:

63 East 82nd Street
New York, NY 10028

b:fulton
fultsala.s&c

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF THE NEW YORK

-----X
FULTON LANDING, INC. and
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Index No.

-against-

COMPLAINT

LAWRENCE SALANDER and JULIE SALANDER,

Defendants.

-----X
Plaintiffs, Fulton Landing, Inc. and Timothy Crowley, by their
attorneys, Kera & Graubard, allege the following as their complaint
against the defendants:

1. At all times hereinafter mentioned, plaintiff Fulton Landing, Inc. was, and still is, a domestic corporation organized and existing under and by virtue of the laws of the State of New York with a principal place of business at 55 Washington Street, Suite 810, Brooklyn, New York.

2. At all times hereinafter mentioned, plaintiff Timothy Crowley was, and still is, an individual affiliated with plaintiff Fulton Landing, Inc.

3. At all times hereinafter mentioned, upon information and belief, defendants Lawrence Salander and Julie Salander are husband and wife and are the owners in fee, and reside at, the premises known as 63 East 82nd Street, New York, New York.

FIRST CAUSE OF ACTION

4. On or about June 8, 2004, plaintiff Fulton Landing, Inc. and defendants entered into a written agreement wherein and whereby for valuable consideration, Fulton Landing, Inc. agreed to perform certain work, labor and services and furnish certain materials

required for the renovation and construction of defendants' residence located at 63 East 82nd Street, New York, New York.

5. Plaintiff Timothy Crowley was designated as the project manager for defendants' project by plaintiff Fulton Landing, Inc.

6. Plaintiffs entered upon the performance of its contractual work and completed same in a good and workmanlike manner.

7. By reason of the foregoing, there became due and owing to the plaintiff the sum of \$472,481.15, of which \$374,388.05 was paid, leaving due and owing to the plaintiff Fulton Landing, Inc. the sum of \$98,093.10.

8. By reason of the foregoing, there is now due and owing to plaintiff Fulton Landing, Inc. from the defendants the sum of \$98,093.10, no part of which has been paid although duly demanded.

SECOND CAUSE OF ACTION

9. During the course of construction, defendants were unable to pay moneys owed to subcontractors when due.

10. In order to prevent stoppage of the work, and to keep the sub-contractors working on the job, plaintiff Timothy Crowley loaned \$85,000 of his money to defendants to enable payments to be made to sub-contractors.

11. Plaintiff Timothy Crowley paid the following moneys on behalf of defendants:

- a. \$25,000 to Couzyn Design Construction by check dated May 20, 2005,
- b. \$30,000 to Chris Perry by check dated July 21, 2005,
- c. \$15,000 to Metro Plumbing by check dated July 21, 2005,
- d. \$15,000 to Suzy Kunz by check dated July 21, 2005.

12. Plaintiff Timothy Crowley advanced said moneys with the knowledge and consent of defendants.

13. Defendant Lawrence Salander represented to plaintiff Timothy Crowley that he would promptly repay the above described moneys loaned to him by plaintiff Crowley.

14. By reason of the foregoing, there became due and owing to plaintiff Timothy Crowley from defendants the sum of \$85,000, no part of which has been paid although duly demanded, except \$15,000.00 by recent payment from Suzy Kunz, leaving a balance due of \$70,000.00.

THIRD CAUSE OF ACTION

15. Defendants are indebted to plaintiff Timothy Crowley for money had and received in the amount of \$70,000, no part of which has been paid although duly demanded.

FOURTH CAUSE OF ACTION

16. Defendants have been unjustly enriched by the moneys advanced by plaintiff Timothy Crowley.

17. By reason of the foregoing, defendants are indebted to plaintiff Timothy Crowley, and should be directed to pay restitution to plaintiff Crowley, in the amount of \$70,000.

WHEREFORE, plaintiffs demand judgment against the defendants as follows:

A. On the first cause of action, judgment in favor of plaintiff Fulton Landing, Inc. against defendants in the amount of \$98,093.10, with interest from July 1, 2005.

B. On the second cause of action, judgment in favor of plaintiff Timothy Crowley against defendants in the amount of \$70,000, with interest from August 1, 2005.

C. On the third cause of action, judgment in favor of plaintiff Timothy Crowley against defendants in the amount of \$70,000, with interest from August 1, 2005.

D. On the fourth cause of action, judgment in favor of plaintiff Timothy Crowley against defendants in the amount of \$70,000, with interest from August 1, 2005.

E. The costs and disbursements of this action.

Dated: New York, New York
June 19, 2006

KERA & GRAUBARD
Attorneys for Plaintiffs

By: _____
Martin S. Kera
240 Madison Avenue, 7th floor
New York, NY 10016
(212) 681-1600

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Attorney's Verification

Martin S. Kera, an attorney duly admitted to practice law in the State of New York, affirms the following under penalty of perjury:

I am a member of Kera & Graubard, attorneys of record for the plaintiffs. I have read the annexed complaint and know its contents. The contents are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge is based upon review of the records in the file and conversations with the principal of plaintiffs.

The reason I make this verification is that plaintiffs' place of business is in a county other than where my office is located.

Dated: New York, New York
June 19, 2006



Martin S. Kera

a:fulton
fultcpt.ver

22 NYCRR 130-1.1

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous as defined in subsection (c) of section 130-1.1.

Dated: June 19 , 2006


Martin S. Kera

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SUMMONS AND COMPLAINT

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